

FUJIMOTO  
Appl. No. 10/609,626  
April 5, 2004

REMARKS

This is in response to the Office Action dated January 12, 2004. Claims 16-39 are pending. No claims have been amended herein.

General

The specification and abstract have been amended herein as suggested by the Examiner.

Regarding the first paragraph of the Office Action on page 2, applicant is confused. Nothing was filed in this case on September 9, 2003. Clarification of the Examiner's comment in this regard is respectfully requested.

Section 112 Rejection (Claims 36-39)

Claims 36-39 stand rejected under 35 U.S.C. Section 112, first paragraph (see paragraph 4 of the Office Action). This Section 112 rejection is respectfully traversed for at least the following reasons.

The Examiner appears to contend that the specification does not describe using an ON transistor as the claimed resistor. However, the instant specification clearly describes this. For example, see the instant specification at page 28, lines 9-14, and page 34, lines 12-17. Since the instant specification clearly describes an example of this aspect of certain embodiments of the invention, the Section 112 rejection is incorrect and should be withdrawn.

Section 101 Rejection (Statutory Double Patenting Rejection)

Claims 16-34 stand rejected under 35 U.S.C. Section 101 as allegedly claiming the same invention as that recited in U.S. 6,608,504. This statutory double patenting rejection is respectfully traversed for at least the following reasons.

Claim 1 of the '504 Patent differs from instant claim 16, *inter alia*, because claim 1 of the '504 Patent requires a *phase compensation* capacitor. Instant claim 16 does not necessarily require a "phase compensation" capacitor. Because of this difference, it is theoretically possible for a hypothetical device to infringe one claim but not the other. Thus, the statutory Section 101 double patenting rejection is incorrect as to instant claim 16 and must be withdrawn.

In a similar manner, claim 2 of the '504 Patent requires a *phase compensation* resistor, while instant claim 20 does not. Because of this difference, it is theoretically possible for a hypothetical device to infringe one claim but not the other. Thus, the statutory Section 101 double patenting rejection is incorrect as to instant claim 20.

The statutory Section 101 double patenting rejection of the other claims is incorrect in a similar manner. In particular, the *phase compensation* aspect of claims 1-19 of the '504 Patent is not present in claims 16-34 of the instant application. The Examiner expressly admits this difference on page 4 of the Office Action. Because of this difference, it is theoretically possible for a hypothetical device to infringe one patent but not the other. Thus, the statutory Section 101 double patenting rejection is incorrect as to instant claims 16-34, and must be withdrawn.

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Obviousness-Type Double Patenting Rejection

While applicant does not necessarily agree with any obviousness-type double patenting rejection, a terminal disclaimer is enclosed herewith in order to expedite prosecution.

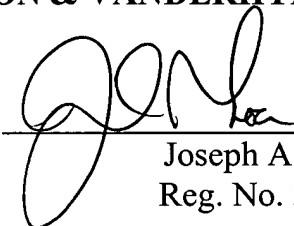
Conclusion

For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



Joseph A. Rhoa

Reg. No. 37,515

JAR:caj  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100